IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 2382 OF 2005

Sou.Urmila Rajesh Rathod ..Petitioner

Vs.

Shri.Rajesh Ramlal Rathod ..Respondent

....

Mr.Shriram Kulkarni for Petitioner

....

CORAM : B.H.MARLAPALLE,J.

DATE : APRIL 20,2005

P.C.:

1. Heard Mr.Kulkarni, the learned counsel for the Petitioner-wife who had succeeded in Marriage Petition No.54 of 1993 and obtained decree of restitution of conjugal rights and at the same time, Marriage Petition No. 335 of 1992 filed by the Respondent-husband for divorce was dismissed by the common decree dated 19.12.1995. The Respondent-husband has filed Marriage Petition No. 283 of 1997 under Section 23 (1) of the Hindu Marriage Act, 1955 alleging that the wife has acted contrary to the decree passed in her favour. In the said proceedings, the wife filed an application at Exh.67 praying for directions to refer four documents to verify the handwriting and signature thereon. It

was her contention that those documents were written and signed by Respondent-husband.

2. By the impugned order dated 7.2.2005 the application has been allowed partly and the letter dated 17.9.1996 has been referred to the handwriting expert. The Court noted that the respondent-husband has accepted his signature on the document dated 2.8.1996 but has declined to refer the remaining two documents dated 16.11.1990 and 31.7.1991. The Court noted that the decree passed in Marriage Petition No. 54 of 1993 was dated 19.12.1995 and therefore, any documents prior to the same date, would be of no relevance. This reasoning given by the Court below in respect of the remaining two documents dated 16.11.1990 and 31.7.1991 cannot be termed as perverse or patently erroneous and hence, there is no case made out to cause interference under Article 227 of the Constitution of India.

3. Writ Petition is rejected summarily.

[B.H.MARLAPALLE,J.]